



IN THE MATTER OF an application submitted by Atlantic Brooklyn LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 16c & 17a, by changing from an M1-1 District to a C6-3A District property bounded by a line midway between Lefferts Place and Atlantic Avenue, a line perpendicular to the northeasterly street line of Atlantic Avenue distant 180 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of Atlantic Avenue and the westerly street line of Franklin Avenue, the northeasterly boundary line of the Long Island Rail Road right-of-way (Atlantic Division), and a line perpendicular to the northeasterly street line of Atlantic Avenue distant 210 feet southeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of Atlantic Avenue and the easterly street line of Classon Avenue, Borough of Brooklyn, Community District 3, as shown on a diagram (for illustrative purposes only) dated June 21, 2021, and subject to the conditions of CEQR Declaration E-631.

This application for a zoning map amendment was filed by Atlantic Brooklyn LLC on February 9, 2021 to change an M1-1 zoning district to an C6-3A zoning district. This application, in conjunction with the related action (N 210277 ZRK), would facilitate the development of a 17-story mixed-use building with 426 dwelling units, and approximately 69,287 square feet of commercial space at 1045 Atlantic Avenue in the Bedford-Stuyvesant neighborhood of Brooklyn, Community District 3.

RELATED ACTIONS

In addition to the zoning map amendment (C 210276 ZMK) that is the subject of this report, implementation of the proposed project also requires action by the City Planning Commission (CPC) on the following application, which is being considered concurrently with this application:

- N 210277 ZRK** Zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area and to amend Zoning Resolution (ZR) Section 35-663 related to street wall regulations.

BACKGROUND

The applicant seeks a zoning map amendment to change an M1-1 zoning district to a C6-3A zoning district and a zoning text amendment to establish an MIH area coterminous with the area to be rezoned and to amend ZR Section 35-663 to apply special street wall regulations to zoning lots with frontage on Atlantic Avenue within C6-3A zoning districts in Community District 3, Brooklyn. The proposed actions would facilitate the development of a 17-story mixed-use development with 426 dwelling units, including 126 permanently affordable units, with retail and commercial office space on the ground and second floors.

The project area, contiguous with the area to be rezoned, consists of a mid-block frontage along the northern side of Atlantic Avenue (a 120-foot-wide corridor) between Franklin and Classon avenues in the Bedford-Stuyvesant neighborhood of Brooklyn, Community District 3. The project area encompasses 16 full and partial tax lots on Block 2020, which includes lots with frontage along Atlantic Avenue (Lots 68, 70, 73, 74, and p/o 77), as well as sliver portions of lots (p/o Lots 35-40, 42-44, 46, and 7503) that primarily front Lefferts Place. The project area is comprised of the development site (Lots 68, 70, 73, 74 and 77), as well as the sliver portions that are not under the applicant's control and are not expected to result in development from the proposed actions. The southern half of the subject block is zoned M1-1, while the northern half fronting Lefferts Place is zoned R6B. Due to the irregular depth of the tax lots Block 2020, several lots are split between the M1-1 and R6B districts. The project area is comprised of lots located within the M1-1 zoning district.

The development site is an irregular-shaped zoning lot assemblage with approximately 370 feet of frontage along Atlantic Avenue and a combined lot area of 46,752 square feet. The development site is currently occupied by a two-story automotive use (Lot 68), two-story warehouse building (Lot 70), vacant lot (Lot 73), a vacant eating and drinking establishment (Lot 74), and a single-story commercial office building and plumbing and heating supply store (Lot 77). The non-applicant-owned lots with frontage on Lefferts Place primarily consist of one- and two-family homes and walk-up apartment buildings.

The project area is located within an M1-1 zoning district that has largely remained unchanged since 1961 and was originally designated to reflect the historic use of Atlantic Avenue as a freight rail line in the early 1900s. After freight service was discontinued and passenger rail service was moved below grade, the industrial buildings along Atlantic Avenue and on nearby blocks evolved into auto-oriented uses characteristic of M1-1 zoning districts.

M1-1 zoning districts have a maximum floor area ratio (FAR) of 1.0 for manufacturing and commercial uses, and 2.4 for certain community facility uses. M1-1 zoning districts generally support low-rise, one- to two-story buildings and allow a range of light industrial uses, such as repair shops, wholesale service and storage facilities. Offices, retail and other commercial uses are also allowed as-of-right. Building heights are regulated by a sky exposure plane beginning at 30 feet above the street line. Off-street parking and loading facilities are required, and depend on the type and size of the use. No new residential uses are permitted.

The project area is located within an area currently being studied by the Department of City Planning (DCP), in coordination with the local community as part of an area-wide neighborhood study called M-Crown. As part of the study, a land use framework was developed in 2018, consisting of 16 full or partial blocks within the M1-1 area generally bounded by Vanderbilt Avenue to the west, Nostrand Avenue to the east, Bergen Street to the south and Atlantic Avenue to the north. The goals of M-Crown study are to increase availability density for job-generating uses mixed with residential and support the creation of affordable housing.

The surrounding area is well-served by public transit and is located within the Transit Zone. The Franklin Avenue subway station is located approximately two blocks to the north of the project area, providing access to the C subway line, as well as the Franklin Avenue “S” Shuttle line, connecting Franklin Avenue to the east side of Prospect Park. The Franklin Avenue-Medgar Evers subway station is located approximate 0.6 miles south of the project area, with access to the 2, 3, 4, and 5 subway lines. The Long Island Rail Road (LIRR) Nostrand Avenue commuter

rail station is also approximately four blocks east of the project area, providing regional access between Downtown Brooklyn, East New York, Jamaica, and points east on Long Island. In addition, several local bus lines run within a few blocks of the project area, including the B25, B26, B48, and B49, which provide access to Downtown Brooklyn and DUMBO, Kingsborough College and Williamsburg. There is also a CitiBike station on Lefferts Place at Franklin Avenue.

The area surrounding the project area is characterized by a wide variety of industrial, commercial, residential, transportation/utility, and community facility land uses and various building types. The buildings along Atlantic Avenue are characterized by one- and two- story industrial and commercial buildings, while the buildings along Lefferts Place, located directly north of the project area, are predominantly residential with one- and two- family homes and apartment buildings, ranging from two to four stories in height. Two blocks north of the project area is Fulton Street, an active wide commercial corridor characterized by commercial, community facility and mixed-use buildings, ranging from three to nine stories in height. Along Fulton Street, ground-floor non-residential uses include eating and drinking establishments, medical facilities, beauty salons, convenience stores, pharmacies, and hardware stores.

The surrounding area has been subject to several recent land use actions, including two large area-wide rezonings: the Bedford-Stuyvesant South Rezoning (C 070447 ZMK) in Community District 3, and the Fort Greene-Clinton Hill Rezoning (C 070430 ZMK) in Community District 2, both of which were sponsored by DCP at the request of the respective community boards and approved in 2007. These initiatives rezoned the areas with contextual residential zoning districts to preserve neighborhood scale and character while allowing for modest residential growth and incentivize affordable housing along Fulton Street and other transit corridors. Both rezonings extensively mapped R6B zoning districts to preserve the low-rise, row-house style character of mid-blocks and side streets. A large portion of the surrounding neighborhoods is characterized by low- to mid-rise buildings. There are a variety of building scales, typologies, and uses in the surrounding area, including low-scale auto-oriented uses, 3-4 story rowhouses, and 6-10 story apartment buildings. The Fulton Street shopping street is mapped with R7D/C2-4, C4-5D, and

R7A/C2-4 to support new mixed-use development along this important transit corridor. As described earlier, Atlantic Avenue is primarily mapped with M1-1 zoning, which has remained unchanged since the middle of the 20th-century, and has produce one-story strip malls, gas stations and auto-repair shops, and many older industrial buildings have been converted into parking garages, self-storage, or warehouse and distribution facilities. Lefferts Avenue, the social block to the north of the project area, is primarily improved with three- to five story rowhouses and apartment buildings.

In addition, two private applications were approved nearby in 2019. 1010 Pacific Street (C 180042 ZMK and N 180043 ZRK), located one block south of the project area, was rezoned from an M1-1 zoning district to an R7A/C2-4 zoning district to facilitate the construction of a nine-story mixed residential, commercial, and community facility building. 1050 Pacific Street Rezoning (C 160175 ZMK and N 160176 ZRK), located one block south of the project area, was rezoned from an M1-1 zoning district to an M1-4/R7A zoning district to facilitate a new eight-story mixed use development on Pacific Street between Franklin and Classon Avenues.

The applicant proposes to develop a 17-story, mixed-use building totaling 397,232 square feet of floor area (8.5 FAR) with 426 dwelling units, 33,265 square feet of commercial retail on the ground floor and 36,022 square feet of commercial office space on the second floor with residential units on the upper floors. 126 of the 426 dwelling units would be designated as permanently affordable pursuant to the regulations for Option 2 of the MIH program. The proposed development would rise to a base height of 125 feet, set back 10 feet, and then rise to an overall building height of 175 feet. 152 accessory off-street parking spaces would be provided in the cellar. In addition, the proposed development would set back from the Atlantic Avenue street-line by approximately three feet to allow for a 20-foot-wide sidewalk on Atlantic Avenue.

To facilitate the proposed development, the applicant is seeking a zoning map amendment to change the project area from an M1-1 zoning district to a C6-3A zoning district for a mid-block portion of the area's Atlantic Avenue frontage, beginning 210 feet from Classon Avenue and 180

feet from Franklin Avenue to the centerline between Atlantic Avenue and Lefferts Place.

C6-3A is a high density contextual commercial district with an R9A residential district equivalent that allows a maximum FAR of 6.0 for commercial uses and 8.5 FAR for residential uses in an MIH area and 7.5 FAR for community facility uses. A base height of 60 to 125 feet is permitted with a maximum permitted building height of 170 feet (175 feet for qualifying ground floors) or 17 stories along wide streets, such as Atlantic Avenue. Ground floor non-residential uses are also mandatory in C6-3A zoning districts along the primary street frontage. Off-street parking is required for 40 percent of dwelling units and waived for income-restricted units within the Transit Zone.

In addition to the proposed zoning map amendment, the applicant requests a zoning text amendment to Appendix F to designate an MIH area coterminous with the project area and to amend ZR Section 35-663 to allow for flexibility in the location of the street wall. The applicant proposes to map the project area with MIH Option 2 and Option 4. Option 2 requires that 30 percent of the residential floor area be provided as housing affordable to households at an average of 80 percent of the Area Median Income (AMI), with no unit targeted at a level exceeding 130 percent of AMI. Option 4 requires 30 percent of residential floor area between 30 percent AMI and 115 percent AMI, with at least five percent at 70 percent AMI, five percent at 90 percent AMI. The applicant intends to select MIH Option 2 consisting of 126 income-restricted units.

The applicant also proposes a second text amendment to amend ZR Section 35-663 to apply special street wall regulations to zoning lots with frontage on Atlantic Avenue in C6-3A zoning districts within Community District 3, Brooklyn. The proposed street wall text would modify the underlying regulations requiring the development's street wall to be located at the street line by allowing the street wall to set back along Atlantic Avenue an additional eight feet for 70 percent of the aggregate width of the street wall. This text amendment would enable the sidewalk along Atlantic Avenue frontage to be widened from the current width of approximately 17 feet to the

proposed width of 20 feet.

ENVIRONMENTAL REVIEW

This application (C 210276 ZMK), in conjunction with the application for the related action (N 210277 ZRK), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead is the City Planning Commission. The designated CEQR number is 21DCP168K.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on June 21, 2021. The Negative Declaration included (E) designations to avoid the potential for significant adverse impacts related to hazardous materials and noise (E-550). The requirements of the (E) designation are described in the Environmental Assessment Statement and Negative Declaration.

UNIFORM LAND USE REVIEW

This application (C 210276 ZMK) was certified as complete by the Department of City Planning on June 21, 2021, and was duly referred to Community Board 3 and the Brooklyn Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b), along with the related application for a zoning text amendment action (N 210277 ZRK), which was referred in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

Brooklyn Community Board 3 held a public hearing on this application (C 210276 ZMK) on June 28, 2021, and the related action for a zoning text amendment (N 210277 ZRK) on June 28, 2021, and on June 28, 2021, by a vote of 35 in favor, none opposed, and none abstaining, adopted a recommending approval of the application with the following condition:

1. Aspects of the project were acceptable to the Board, i.e.
 - a. The affordability of the income restricted units using Option 2 instead of the alternative work force option
 - b. The sustainability of the project to conserve energy.
 - c. The maximization of light and air in the project design in consideration of Lefferts Place to the north of Atlantic Avenue.
2. In 2016 Community Board #3 (CB3) was introduced to Community Board #8 (CB8) M-Crown rezoning plan. At the suggestion of New York City Department of Planning (DCP) the vision included a portion of CB3 along Atlantic Avenue. CB3 was open to discussions about the DCP 2018 framework for M-Crown as it applied to CB3. The plan was to rezone M1-1 to mix-use districts. The 1045 site was included in the DCP framework with a FAR of 5, considerably less than the proposed rezoning with a FAR of 8.5.

Over time private owners sought to rezone portions of the M-Crown district for individual projects. One such project is 840 Atlantic Avenue, a rezoning to facilitate development of an 18-story building which is considerably higher than the vision of CB8 or CB3. The CB8 voted to reject the zoning request and was supported by a no vote by the Borough President's office. CB3 supports the decision on CB8.

3. The proposed R9A zone is significantly larger than the zones immediately West and East of Atlantic Avenue between Franklin and Classon Avenues. To the East, Atlantic Avenue between Franklin and Nostrand Avenues is zoned M1-1 to R7D and to the West, in CB2, between Franklin and Classon Avenues is zoned R7A.
4. CB3 considered both the 1045 Atlantic Avenue development project and the proposed rezoning to R9A after the Public Hearing on June 28, 2021. The Board supported the development project but not the rezoning to R9A.

“Yes vote with modification: Given the desirable aspects of the proposed project, in particular its level of affordability, CB3 Board voted unanimously to support the Atlantic Avenue change

application with a strong preference to change the zone to R8A, rather than R9A.”

Borough President Recommendation

The Brooklyn Borough President held a public hearing on this application (C 210276 ZMK) and the related action (N 210277 ZRK) on July 7, 2021, and on September 28, 2021 issued a recommendation to approve the application with the following conditions:

- "1. That in lieu of the proposed C6-3A, the rezoning be modified to C6-2A
2. That prior to considering the application, the City Council obtain written commitments from the applicant, Atlantic Brooklyn LLC, clarifying how it would:
 - a. Provide permanently affordable housing according to Mandatory Inclusionary Housing (MIH) Option 1
 - b. For the additional FAR increment in excess of an R7A MIH district, provide affordable housing floor area at a rate that commits a combined extra percentage of 22, 078 sq. ft. of affordable housing floor area, at an average 60 percent AMI, or modest decrease in the 60 percent AMI average rent collection, except as reduced to accommodate affordable commercial floor area
 - c. Provide an affordable housing mix with at least 50 percent two- or three- bedroom units, and at least 75 percent one-bedroom or larger units, but for studios targeted to households at 40 percent AMI
 - d. Implement outreach efforts to seniors earning up to 40 percent AMI for single- and dual- person households, including those who have experienced homelessness.
 - e. Utilize locally based affordable housing non-profit(s) to serve as administering agents and have one or more such entities play a role in promoting affordable housing lottery readiness.
 - f. Restrict one-quarter of the commercial office and retail space for occupancy restricted to any combination of arts/cultural entities, childcare, innovation and maker uses, non-profit organizations, and/or immigrant-owned businesses at

below-market lease terms, and memorialize intent to recruit such entities, based on reasonable lease terms in consultation with Brooklyn Community Board 3 (CB 3) and local elected officials, through a legally enforceable mechanism, such as a deed restriction or contract with a non-profit business service provider.

- g. Incorporate resiliency and sustainability measures, such as blue roofs, passive house design, solar facades, and/or wind turbines
- h. Coordinate with the New York City Department of Environmental Protection (DEP), New York City Department of Transportation (DOT), and the New York City Department of Parks and Recreation (NYC Parks) to install DEP rain gardens as part of a Builders Pavement Plan (BBP) at 1045 Atlantic Avenue consultation with Brooklyn Community Board 3 (CB 3) and local elected officials
- i. Engage with car-sharing companies, in consultation with CB 3 and local officials, to lease multiple space within a garage.
- j. Retain Brooklyn-based contractors and subcontractors, especially those that are designated local business enterprises (LBEs) consistent with Section 6-108.1 of the City's Administrative Code, and minority- and women-owned business enterprises (MWBEs) as a means to meet or exceed standards per Local Law 1 (no less than 20 percent participation), as well as coordinate the oversight of such participation be an appropriate monitoring agency

Be it further resolved:

1. That the New York City Department of Housing Preservation and Development (HPD) modify its affordable housing lottery community preference standards to include the school zone, thus capturing the population of public schoolchildren residing at City-funded or -operated shelters
2. That the CPC and/or the City Council call for that the CPC and/or the City Council call for modification of the ZR MIH affordable housing lotteries (allow for exceptions to the 30 percent of income threshold for households paying the same or higher rent than what the housing lottery offers).”

City Planning Commission Public Hearing

On August 18, 2021 (Calendar No. 1), the City Planning Commission scheduled a public hearing on this application (C 210276 ZMK) and the related action for a zoning text amendment (N 210277 ZRK). The hearing was duly held on September 1, 2021 (Calendar No. 50). There were 12 speakers in favor of the application and none in opposition.

The applicant team of five, consisting of the applicant representatives, the developer, the architect and consultants, testified in support of the application and provided an overview of the project, surrounding context, requested actions and rationale for the proposed rezoning, highlighting the 120-foot width of Atlantic Avenue, close proximity to public transit, the need for affordable housing, and maximizing light and air and the contextual height relationship from Fulton Street to Atlantic Avenue. With respect to the ground floor and streetscape, the applicant team expressed an intention to accommodate multiple tenants, explaining that activating the sidewalk would benefit both the project and the neighborhood.

The Council Member representing the 36th District expressed support for the proposed rezoning. He stated that the given location of the proposed development with the need for affordable housing, Atlantic Avenue is a commercial thoroughfare that can support the proposed height and density.

A representative from St. Nicks Alliance, who would support the marketing and leasing of the low-income units, spoke in favor of the proposed actions. He stated that the organization intends to partner with Bedford Stuyvesant Restoration Corporation on marketing and outreach to assist the community apply for the affordable units.

A representative from the 32BJ SEIU property service workers' union expressed support for the proposed development, stating that the applicant had made a credible commitment to providing prevailing wages for the building service workers.

A representative from Oonee, a bicycle storage company, expressed support for the proposed development and the addition of bicycle storage.

There were no other speakers, and the hearing was closed.

CONSIDERATION

The Commission believes that this application for a zoning map amendment (C 210276 ZMK), in conjunction with the related application for zoning text amendment (N 210277 ZRK), is appropriate.

Together these actions will facilitate a mixed-use development of a 17-story, 397,232-square-foot mixed-use building with approximately 426 dwelling units, 126 of which will be permanently affordable, 33,265 square feet of commercial retail on the ground floor and 36,022 square feet of commercial office space on the second floor. The project area represents an opportune location for the proposed development, located near multiple transit options and along a major east-west thoroughfare. The proposed development will activate the street with a variety of uses, provide an appropriate transition between Atlantic Avenue and the surrounding neighborhoods, and is consistent with ongoing planning work being undertaken by the Department with the local Community Boards along the corridor.

The Commission believes that the proposed C6-3A zoning district is appropriate based on the surrounding context, built form, and land use trends. The existing low density M1-1 zoning has been in place since 1961 and is no longer reflective of the needs of the surrounding area. As the neighborhood, borough, and city continue to experience population growth, the project area serves as an appropriate location in a transit-rich neighborhood to accommodate additional growth. In particular, the Commission notes that the wide condition of Atlantic Avenue, can accommodate a taller street wall and building height, since the flexibility of a massing within the proposed zoning at this location provides greater access to light and air.

The Commission notes the unique wide condition of Atlantic Avenue and that the surrounding areas, which are primarily built up and have been subject to contextual rezonings over the past few decades with the primary goal of maintaining the existing character without the ability to allow for development to respond to population growth. The Commission recognizes that the M1-1 zoning district does not allow new residential uses, including affordable housing, and believes that the project area is appropriate to accommodate mixed-use growth with access to transit, jobs, services and amenities along this wide avenue.

The proposed C6-3A zoning district will allow for flexibility of a mixed-use building to create a massing that allows for solar carving of the building to maximize light and air to the development and its surrounding context. Additionally, the Commission recognizes the proposed height is appropriate given the width of Atlantic Avenue paired with the proposed sidewalk widening to enhance the public realm.

The proposed zoning text amendment (N 210277 ZRK) to Appendix F to create a new MIH area and to amend the street wall location regulations are appropriate. The action will designate a new MIH area coterminous with the rezoning area, supporting the creation of much needed affordable housing for Bedford Stuyvesant, consistent with the goals of *Housing New York*. The text amendment will map MIH Option 2 and Option 4, and the applicant intends to use Option 2 for the proposed development, ensuring that 126 of the newly created units remain permanently affordable.

Additionally, the proposed text amendment to create a new ZR Section 35-663 of the Zoning Resolution to allow street wall location flexibility will enable the sidewalk along Atlantic Avenue to widen from approximately 17 to 20 feet in width, improving the quality of the streetscape and pedestrian-level experience. The Commission is pleased that the applicant intends to activate the streetscape with non-residential uses on the ground floor and set back the

streetwall of the development to accommodate a sidewalk width of 20 feet, fostering a more pedestrian-friendly environment.

The Commission also applauds the community coordination efforts for the area-wide M-Crown land use framework, within which a majority of the framework area is located. For the blocks within the M1-1 zoning district along Atlantic Avenue, the framework recommended a medium-density industrial district. In discussions after development of the framework, the applicant, Community Board 3, its land use committee, and Council Member representing the 36th District, identified affordable housing as a greater priority for the community district. The Commission recognizes the applicant's community engagement and the project sponsor's attempt to balance the goals of the framework with other goals recommended by the Community Board and Council Member, which resulted in a proposal that includes a wider mix of uses.

Additionally, the Commission recognizes that one of the Department's urban design goals are to ensure quality public realm along the sidewalk and the difference between the public realm pedestrian experience along the street wall of a development within a C6-2A zoning district or C6-3A zoning district would not be noticeable and have a negligible effect on light and air, it would also result in a significant reduction in housing and affordable housing. Lastly, building heights are typically perceived by pedestrians up to five to six stories, thus the pedestrian experience of a 14-story development to a 17-story development differences are indistinguishable from a pedestrian perspective.

The Commission also recognizes the Borough President's conditions for public realm improvements, improved sustainability measures, and retention of Brooklyn-based contractors in the proposed development, but notes that they are beyond the scope of this application. The Commission also received comments from the Borough President related to changing the MIH option and facilitating deeper affordability, a more diverse bedroom mix, expanded marketing and outreach efforts, and local preference for affordable housing. The Commission is pleased that the applicant has indicated a willingness to adjust the MIH option and encourages the

applicant to continue outreach and engagement to determine an MIH option that matches the community's needs. However, the Commission notes that the remaining conditions related to affordable housing are beyond the scope of this application.

RESOLUTION

RESOLVED, that having considered the Environmental Assessment Statement (EAS) for which a Negative Declaration was issued on June 21, 2021 with respect to this application (CEQR No. 21DCP168K), the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination, and the consideration described in this report, the application submitted by Atlantic Brooklyn LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 16c & 17a, by changing from an M1-1 District to a C6-3A District property bounded by a line midway between Lefferts Place and Atlantic Avenue, a line perpendicular to the northeasterly street line of Atlantic Avenue distant 180 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of Atlantic Avenue and the westerly street line of Franklin Avenue, the northeasterly boundary line of the Long Island Rail Road right-of-way (Atlantic Division), and a line perpendicular to the northeasterly street line of Atlantic Avenue distant 210 feet southeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of Atlantic Avenue and the easterly street line of Classon Avenue, Borough of Brooklyn, Community District 3, as shown on a diagram (for illustrative purposes only) dated June 21, 2021, and subject to the conditions of CEQR Declaration E-631.

The above resolution (C 210276 ZMK), duly adopted by the City Planning Commission on October 18, 2021 (Calendar No. 7), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

ANITA LAREMONT, *Chair*

KENNETH J. KNUCKLES, Esq., *Vice Chairman*
DAVID BURNEY, ALLEN P. CAPPELLI, Esq., ALFRED C. CERULLO, III,
RICHARD W. EADDY, HOPE KNIGHT, LARISA ORTIZ, RAJ RAMPERSHAD,
Commissioners

ANNA HAYES LEVIN, ORLANDO MARÍN, *Commissioners,* VOTING NO



The City of New York
Community Board No. 3
Bedford Stuyvesant Restoration Plaza
1360 Fulton Street, 2nd Floor ■ Brooklyn, New York 11216

718-622-6601 Phone ■ 718-857-5774 Fax ■ nyc.gov/bkcb3

ERIC ADAMS
BOROUGH PRESIDENT

RICHARD FLATEAU
CHAIRPERSON

HENRY L. BUTLER
DISTRICT MANAGER

Application # C 210276 ZMK
CEQR # 21DCP168K

1045 Atlantic Avenue Rezoning July 20, 2021

The zoning map amendment from M1-1 to a C6-3A district (R9A) and a zoning text amendment are to create a new MIH area to facilitate a newly created 17-story mixed-use building with a total 490,000 SF, including 426 units and 63,000 SF of commercial uses (8.5 FAR). (The Project)

The Project in the new MIH district would include 127 permanently affordable apartments under Option2 with an average of 80% AMI.

1. Aspects of The Project were acceptable to the Board, ie.
 - a) The affordability of the income restricted units using Option2 instead of the alternative Option4.
 - b) The sustainability of The Project to conserve energy.
 - c) The maximization of light and air in The Project design in consideration of Lefferts Pl to the north of Atlantic Ave.
2. In 2016 Community Board #3 (CB3) was introduced to Community Board #8 (CB8) M-Crown rezoning plan. At the suggestion of New York City Department of Planning (DCP) the vision included a portion of CB3 along Atlantic Ave. CB3 was open to discussions about the DCP 2018 framework for M-Crown as it applied to CB3. The plan was to rezone M1-1 to mix-use districts. The 1045 site was included in the DCP framework with a FAR of 5, considerably less than the proposed rezoning with a FAR of 8.5.

Over time private owners sought to rezone portions of the M-Crown district for individual projects. One such project is 840 Atlantic Ave, a rezoning to facilitate development of an 18-story building which is considerably higher than the vision of CB8 or CB3. The CB8 voted to reject the zoning request and was supported by a no vote by the Borough President's office. CB3 supports the decision of CB8.
3. The proposed R9A zone is significantly larger than the zones immediately West and East of Atlantic Ave between Franklin and Classon Aves. To the East, Atlantic Ave between Franklin and Nostrand Aves is zoned M1-1 to R7D and to the West, in CB2, between Franklin and Classon Aves is zoned R7A.
4. CB3 considered both the 1045 Atlantic Ave development project and the proposed rezoning to R9A after the Public Hearing on June 28, 2021. The Board supported the development project but not the rezoning to R9A.

Yes vote with modification: Given the desirable aspects of the proposed project, in particular its level of affordability, CB3 Board voted unanimously to support the Atlantic Ave change application with a **strong preference to change the zone to R8A, rather than R9A.**



Brooklyn Borough President Recommendation

CITY PLANNING COMMISSION
120 Broadway, 31st Floor, New York, NY 10271
CalendarOffice@planning.nyc.gov

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representatives as indicated on the Notice of Certification.

APPLICATION

1045 ATLANTIC AVENUE – 210276 ZMK, 210277 ZRK

Applications submitted by Atlantic Brooklyn LLC for zoning map and text amendments affecting an approximately 44,000 sq. ft. assemblage on the south side of Atlantic Avenue between Classon and Franklin avenues in Brooklyn Community District 3 (CD 3). The zoning map amendment would change the project area from an M1-1 to a C6-3A district. The zoning text amendments would establish a Mandatory Inclusionary Housing (MIH) area conterminous with the rezoning boundary and permit the applicant to widen the sidewalk fronting the proposed development. The requested actions would enable a 17-story building with 426 dwelling units, of which 126 would be affordable pursuant to MIH Options 2 and 4. The development would provide approximately 63,000 square feet (sq. ft.) of commercial uses on the first and second floors, and 152 parking spaces in the cellar.

BROOKLYN COMMUNITY DISTRICT NO. 3

BOROUGH OF BROOKLYN

RECOMMENDATION

APPROVE
 APPROVE WITH
MODIFICATIONS/CONDITIONS

DISAPPROVE
 DISAPPROVE WITH
MODIFICATIONS/CONDITIONS

SEE ATTACHED

Eric L. Adams

BROOKLYN BOROUGH PRESIDENT

September 27, 2021

DATE

RECOMMENDATION FOR: 1045 ATLANTIC AVENUE – 210276 ZMK, 210277 ZRK

Atlantic Brooklyn LLC submitted applications for zoning map and text amendments affecting an approximately 44,000 sq. ft. assemblage on the south side of Atlantic Avenue between Classon and Franklin avenues in Brooklyn Community District 3 (CD 3). The zoning map amendment would change the project area from an M1-1 to a C6-3A district. The zoning text amendments would establish a Mandatory Inclusionary Housing (MIH) area conterminous with the rezoning boundary and permit the applicant to widen the sidewalk fronting the proposed development. The requested actions would enable a 17-story building with 420 dwelling units, of which 126 would be affordable pursuant to MIH Options 2 and 4. The development would provide approximately 63,000 square feet (sq. ft.) of commercial uses on the first and second floors, and at least 119 parking spaces in the cellar.

On July 7, 2021, Brooklyn Borough President Eric Adams held a public hearing on these zoning map and text amendments. There was one speaker on the item, who testified in support, citing the affordable housing and publicly accessible bicycle storage.

In response to Borough President Adams' inquiry regarding the qualifying income range for prospective households based on household size, the anticipated rents based on the number of bedrooms, and the distribution of units by bedroom size, the applicant stated that approximately two thirds of the MIH units would be one-bedroom units, and one third would be a mix of two- and three-bedrooms. Units targeted to an average of 40 percent AMI would rent from \$756 for a one-bedroom to \$1,031 for a three-bedroom. At up to 60 percent AMI, one-bedroom units would rent at \$1,204 and three-bedroom units would rent at \$1,653. At up to 80 percent AMI, rents would range from \$1,651 for a one-bedroom to \$2,273 for a three-bedroom apartment. Finally, at up to 100 percent AMI, one-bedroom units would rent at \$2,166 and three-bedroom units would rent at \$2,987. The average rent collection would be 80 percent AMI, pursuant to MIH Option 2.

In response to Borough President Adams' inquiry as to whether one of the community's affordable housing non-profits would be used in the tenant selection process in order to ensure the highest level of participation from CD 3 and whether the development's marketing strategy would include a financial literacy component to qualify local residents for the MIH lottery, the applicant stated that the Bedford-Stuyvesant Restoration Corporation (Restoration) and the St. Nicks Alliance (SNA) will serve as the administering and marketing agents. Both entities will conduct outreach to block associations, community groups, and houses of worship, while Restoration will offer financial literacy trainings.

In response to Borough President Adams' inquiry as to what guarantees the represented non-residential uses would be part of the eventual development, the applicant expressed intent to create a vibrant streetscape. Ground-floor programming would be handled by Restoration and would likely include a mix of affordable local retail, neighborhood childcare, and/or creative office space and studios for maker uses. The applicant expressed willingness to memorialize such uses in the intended Community Benefits Agreement (CBA) with Restoration.

In response to Borough President Adams' inquiry regarding the incorporation of sustainable features such as passive house design, New York City Department of Environmental (DEP) rain gardens, and wind turbines, the applicant stated that the development would integrate resiliency measures such as DEP rain gardens, green roofs, and on-site stormwater management. Consistent with Borough President Adams' advocacy of microgrid technology, the building would also provide rooftop battery storage. Such environmental commitments would be memorialized in the CBA.

In response to Borough President Adams' inquiry regarding the inclusion and participation of locally-owned business enterprises (LBEs) and minority- and women-owned business enterprises (MWBEs) in the construction process, the applicant stated that Restoration and SNA would provide skills-based training to

local residents via their workforce development centers. The developer also disclosed that it has retained a firm to coordinate MWBE hiring and ensure local contracting and employment for the project. Finally, the development would provide building service jobs with prevailing wages and benefits, per a commitment to 32BJ Service Employees International Union (SEIU).

Consideration

On June 28, 2021, Brooklyn Community Board 3 (CB 3) approved this application with a modification of the proposed zoning from an R9A to an R8A equivalent.

The proposed actions would affect several mid-block properties fronting Atlantic Avenue between Classon and Franklin avenues. The 1045 Atlantic Avenue development site is currently zoned M1-1 but its northern portion extends partly into the abutting R6B district. Comprising the project area are five lots with a total area of approximately 46,750 sq. ft. and 370 feet of frontage on Atlantic Avenue. 1065 Atlantic Avenue is improved with a two-story, 10,526 sq. ft. autobody shop; 1061 Atlantic Avenue contains a two-story, 12,240 sq. ft. vacant warehouse, and 1059 Atlantic Avenue provides outdoor accessory seating for Underground Barbeque, which occupies a 3,209 sq. ft. one-story building at 1057 Atlantic Avenue. Finally, 1041 Atlantic Avenue is improved with two single-story buildings with 6,807 sq. ft. of commercial space and a 5,500 sq. ft. heating and plumbing supply store. Collectively, these lots have a built floor area ratio (FAR) of 0.824.

On the north side of Atlantic Avenue, the underlying M1-1 light manufacturing district extends from Classon to Nostrand avenues; on the south side of Atlantic Avenue, it extends further west to Vanderbilt Avenue and the Pacific Park development. M1 zoning permits 1.0 FAR for commercial uses and 2.4 FAR for limited community facility uses. The rear yard adjoining the R6B district permits a FAR of 2.0. C4-5 and R7D along Fulton Street districts allow a maximum residential FAR of 5.6 based on the Voluntary Inclusionary Housing (VIH) bonus.

The proposed C6-3A MIH contextual mixed-use district permits up to 6.0 FAR for commercial uses, 7.50 for community facilities, and 8.5 FAR for residential uses. The applicant is seeking to construct an 8.5 FAR, 17-story building with a base height of 125 feet (excluding permitted dormers) and a maximum height of 175 feet. The 397,230 sq. ft. mixed-use development would contain approximately 327,945 sq. ft. of residential space, 33,265 sq. ft. of ground-floor retail, and 36,022 sq. ft. of commercial office space on the second floor. A yet to be determined number of parking spaces exceeding the accessory parking requirement (119 spaces) would be in the cellar. The developer would also be required to provide at least 213 bicycle parking spots and has stated intent to incorporate 60 publicly accessible/affordable secure bike/scooter spaces. Of the projected 420 dwelling units, 126 would be permanently affordable pursuant to MIH Option 2. Nine-thousand (9,000) sq. ft. of the intended retail space would be rented to local retail stores and neighborhood entrepreneurs, with the rest intended for health and wellness uses such as medical offices. One quarter of the represented second-floor commercial space would be programmed with neighborhood services.

The zoning amendment would facilitate sidewalk widening by permitting C6-3A districts along Atlantic Avenue in CD 3 to enlarge the approximately 17'-3" sidewalk to 20 feet, thus improving pedestrian circulation adjacent to the roadway. The developer has expressed intent to work with CB 3 and the Metropolitan Transportation Authority (MTA) to beautify the space under the Franklin Avenue Shuttle right-of-way on Atlantic Avenue. Finally, the applicant would establish a \$50,000 tenant-led community impact fund, managed by the Brooklyn Community Foundation (BCF).

The surrounding area is mapped with several zoning districts and hosts a wide variety of uses and building types. Properties along Atlantic Avenue are predominantly non-residential with one to two-story commercial, industrial, and mixed-use buildings. However, buildings north of the project area

along Lefferts Place and Brevoort Place are primarily one- and two-family homes and apartment buildings, ranging from two to four stories. Further north along Fulton Street the area transitions back to commercial, community facility, and mixed-use, with a denser built form of three- and nine-stories and a high concentration of ground-floor commercial uses, such as beauty salons, clinics, convenience stores, hardware stores, pharmacies, and restaurants. The area's varied community facilities include the Bethel Church of the Nazarene, the Brooklyn Prospect – Clinton Hill Middle School, and the 23rd Regiment Armory/Bedford-Atlantic Shelter. Recent construction focused primarily along Fulton Street has resulted in 10- to 11-story mixed-use buildings.

Brooklyn is one of the fastest growing boroughs in the New York City metropolitan area. Its ongoing renaissance has ushered in extraordinary changes that were virtually unimaginable even a decade ago. Unfortunately, Brooklyn's success has led to the displacement of longtime residents who can no longer afford to live in their neighborhoods. Borough President Adams is committed to addressing Brooklyn's affordable housing crisis through the creation and preservation of units for very low- to middle-income households.

Borough President Adams supports the development of underutilized land to address the City's need for affordable housing. The proposed development would be consistent with Mayor Bill de Blasio's goal of achieving 300,000 affordable housing units over the next decade, according to "Housing New York: A Five-Borough, Ten-Year Plan," as modified in 2017. It is Borough President Adams' policy to support the development of affordable housing and seek for such housing to remain "affordable forever," wherever feasible.

Moreover, in CD 3 and across New York City, there is a pressing need for affordable and stable housing among elderly adults, homeless households, low-income families, and other populations. Increasing the supply of affordable apartments for a range of incomes and household types in mixed-use buildings is a critical strategy for promoting a sustainable neighborhood.

The MIH program targets a broad range of incomes, consistent with Borough President Adams' objective to extend affordable housing to low-, moderate-, and middle-income residents. The proposed MIH Option 2 would designate 30 percent of the floor area as affordable at an average 80 percent AMI. According to the applicant, 126 of the 420 units at 1045 Atlantic Avenue would be permanently affordable pursuant to MIH. Such development is also consistent with Borough President Adams' policy for income-restricted housing to remain affordable in perpetuity.

Borough President Adams believes that it is appropriate to zone for increased density in proximity to public transportation. The development site is adjacent to the Franklin Avenue subway station and is served by the Eighth Avenue Local C train and the Franklin Avenue Shuttle, which provide east-west and southbound service. There is also ample bus service in the vicinity of the site. The B25 and B26 buses make stops along Fulton Street; the B48 bus runs on Franklin and Classon avenues, and the B49 bus travels along Franklin Avenue. There is also a Citi Bike station on Lefferts Place at Franklin Avenue.

Borough President Adams generally supports the proposed land use actions to enable 1045 Atlantic Avenue. However, he believes that the represented public benefit, including community facility/commercial use, and MIH Option 2 affordable housing, does not justify the drastic increase in development rights. He believes that the approval of high-density residential zoning should be predicated on any combination of below-market space for arts/cultural groups, maker studios, and/or local retail for immigrant-owned businesses, and an additional commitment of deeply affordable floor area. Per his standard policy, he seeks a family-oriented bedroom mix with smaller apartments for low-income seniors, maximum community participation in MIH lottery, dedicated car-share space the development's garage, incorporation of resilient and sustainable features including

rain gardens, and of a high level of local and MWBE hiring. Finally, he calls on the Administration to extend community preference to families of homeless students in local schools and qualify rent-burdened households for affordable housing lotteries.

Appropriate Zoning Designation

As noted in CB 3's resolution, the proposed C6-3A zone is significantly larger than zones immediately east and west of Atlantic Avenue between Franklin and Classon avenues. To the east, Atlantic Avenue between Franklin and Nostrand avenues is zoned M1-1 to R7D, and to the west, in CD 2 between Franklin and Classon avenues is zoned R7A. It should be noted that CB 3 favored the developer's non-binding design guided by maximization of light and air in deference to adjacent Lefferts Place residents.

The area to the north of the proposed rezoning was amended in 2007 as part of the Bedford-Stuyvesant South Rezoning. The shared rear yard boundary with properties fronting Lefferts Place was zoned R6B at that time as a contextual rezoning to preserve neighborhood scale and character of that block. Further north along Fulton Street, R7D/C2-4 and its C4-5D district, were established.

Borough President Adams recognizes that the proposed C6-3A zoning and its R9A MIH residential equivalent has been established further west at 809 Atlantic Avenue where it enabled development associated with the restoration of the landmarked Church of St. Luke and St. Matthew. While Atlantic Avenue is a very wide street and is in a ZR-defined Transit Zone, it is not along a classic transit corridor, where such an equivalent district is being proposed as part of the Gowanus Neighborhood Plan. As such, Borough President Adams believes that the proposed C6-3A density and height are not generally appropriate for this block without compelling public benefit.

Borough President Adams acknowledges the applicant's intent to provide commercial office and retail space that might also include community facility use. However, even with a binding mechanism, and permanently affordable housing pursuant to MIH, it does not justify exceeding the extent of zoning supported by CB 3.

Borough President Adams generally concurs with CB 3's recommendation that an R8A residential equivalent zoning district be established in lieu of the proposed R9A equivalent. However, he believes that a commercial zoning district with an R8A MIH residential equivalent would be the most appropriate designation for this section of Atlantic Avenue. Combining the added opportunities of a C6 commercial district with R8A MIH would enable floor area for commercial and/or community facility use. There could also be an opportunity to achieve a bulk configuration not exceeding 14 stories (145 feet).

As represented, 1045 Atlantic Avenue would provide 33,265 sq. ft. of local retail space on the ground floor, and approximately 36,022 sq. ft of commercial floor area, with possible inclusion of community facility space. While such non-residential floor area would be of public benefit, the provision of non-residential uses permitted in C6-3A zoning districts alone would not warrant exception to the CB 3 zoning recommendation. However, a stronger case could be made with the applicant's representation of additional public benefit through the accommodation of non-profit organizations, including arts and cultural groups. Such entities require affordable space to grow their operations, but often cannot compete with retail tenants who would pay higher rents at this location. Therefore, in lieu of the proposed C6-3A district, the City Planning Commission (CPC) and/or the City Council should consider a modification to designated as C6-2A.

Ensuring an MIH Option that Provides Significantly for Very Low-Income Households

Borough President Adams has heard a great deal of concern about gentrification in Bedford-Stuyvesant and CD 3. The influx of wealthier individuals, together with increased land values and market-rate development, has displaced longtime and low-income residents. For renters in unregulated units, targeted downzoning and reduction of development rights may slow property

turnover and new construction. However, rent regulation does not provide permanent protection from displacement. According to a 2020 Association for Neighborhood & Housing Development (ANHD) report, approximately 197 subsidized units in Bedford-Stuyvesant are set to expire from housing programs between 2020 and 2025. Without further action, some tenants may lose affordable housing assistance, and others might be evicted through lawful demolition.

Data show that more than 80 percent of New York City households earning 50 percent AMI or less are rent-burdened. More than one-fifth of New York City households — over two million people — earn less than \$25,000 a year and almost one-third earn less than \$35,000. As the City's housing crisis deepens, the burden falls most heavily on low-income New Yorkers, including families and seniors.

A significant number of CD 3 households living in unregulated housing and regulated apartments pay too much of their household income toward rent. Most recently, ANHD found that 48 percent of Bedford-Stuyvesant residents were rent-burdened, and that CD 3 had the highest number of housing litigations in Brooklyn. Taken together, these facts point to a crisis whereby too many households are struggling to hold on to housing that they cannot afford. In addition to increasing the number of affordable units in CD 3, the City should take steps to help rent-burdened households qualify for as many affordable housing lotteries as possible.

The current New York area AMI for a family of three is \$107,400. To qualify for affordable housing at 40 percent AMI (40 percent of MIH Option 1 affordable housing floor area), this household would have to earn \$42,960; at 60 percent AMI (MIH Option 1), their qualifying income would be \$64,440, and at 80 percent AMI (MIH) Option 2, the family's income would be capped at \$85,920. In 2019, the median income for CD 3 was \$62,230, 13 percent below the citywide figure, with more than 50 percent of residents earning less than \$60,000. At the same time, households earning \$100,000 to \$250,000 comprised the fastest growing household income group in the district. These numbers indicate that Bedford-Stuyvesant has experienced acute gentrification in the last decade and underscore the importance of targeting affordable housing to residents of limited means.

According to the applicant's presentation, 201 of 3,244 units completed in CD 3 since 2014 were affordable, though there are many affordable developments still in construction. As applications such as this proposal move through the ULURP process, it is important to ensure that the required affordable housing meets the most pressing community needs. The MIH obligation provides opportunities to maximize permanently affordable floor area for low-income households.

The New York City Zoning Resolution (ZR) specifies four options for new construction subject to MIH regulations. As stated at Borough President Adams' hearing, 1045 Atlantic Avenue would incorporate MIH Option 2, which reserves 30 percent of the floor area for households earning an average of 80 percent AMI. However, given the number of very low-income and severely rent-burdened households in CD 3, Borough President Adams believes that MIH Option 2 would not provide deeply affordable housing to those in need, including many Bedford-Stuyvesant residents who would have community preference for the 1045 Atlantic Avenue lottery.

Atlantic Brooklyn LLC has stated on record that its affordable units would be offered at income tiers between 40 percent and 100 percent AMI. An example was provided that with half the affordable units geared to 80 percent AMI and one-third to 100 percent AMI, one-sixth would be offered at 40 percent of AMI. This represents five percent of the total units, which is half of what would be required if the project were developed according to MIH Option 1.

While the developer appears to recognize the need for deeply affordable housing in this severely rent-burdened community, Borough President Adams believes that 1045 Atlantic Avenue could do more to help neighborhood families most at risk of displacement. Lower-income households are

more likely to need affordable housing as they tend to be disproportionately rent-burdened. Targeting apartments to very low-income households allows seniors, especially those living alone, to qualify for affordable housing lotteries. As community preference provides an opportunity to award 50 percent of the units to CD 3 residents, Borough President Adams seeks to ensure affordable housing opportunities for very low-income residents, which would maximize the development's benefit to the community. While the applicant intends to include some units at 40 percent of AMI, he believes that this number would be inadequate and less impactful. According to MIH Option 1, 10 percent (40 percent of the affordable housing units) of the overall housing units would be reserved for those households at 40 percent AMI. Borough President Adams seeks assurance that 1045 Atlantic Avenue would generate affordable housing pursuant to MIH Option 1.

Though MIH Option 1 would reduce the affordable unit count from 126 to 105, it would increase the number of units at 40 percent of AMI from 21 to 42. Borough President Adams believes that providing fewer but more deeply affordable units would benefit CD 3 residents at risk of displacement.

Therefore, prior to considering the application, the City Planning Commission (CPC) and/or City Council should obtain written commitments from the developer, Atlantic Brooklyn LLC, to provide permanently affordable housing according to MIH Option 1.

Realizing Appropriate Public Benefit of Affordable Housing Floor Area for the Requesting Zoning

Borough President Adams believes that significant upzonings should yield more affordable housing than rezonings that do not seek a comparable increase in density. Throughout his terms, he has considered requests for substantial bulk increases that resulted in the development of 100 percent affordable housing. For other upzoning requests, he has consistently called for applicants to exceed MIH by providing additional floor area and/or more deeply affordable units.

Borough President Adams believes that public purpose based on MIH floor area alone does not capture the full value of upzoning from an M1-1 district, which does not permit housing construction, to a C6-3A (R9A residential equivalent) MIH district, with its maximum FAR of 8.5. Such a change of use and FAR increase results in a windfall of market-rate development compared to what is permitted as-of-right. There is thus a significant difference between drastic upzonings that unlock residential FAR and more modest ones that convert lower-density residential districts to higher density ones. Additionally, any zoning district in excess of R6A lacks leverage through MIH to induce more affordable housing floor area. The proposed rezoning would substantially enrich the project area with residential development rights without any obligation to provide deeper or greater affordability.

As this inequity cannot be rectified directly through MIH, Borough President Adams believes that increasing the number of affordable units while lowering the target household incomes is possible by blending what is required according to the MIH option, with a voluntary special bulk permit. However, as the ZR does not provide such a special permit, he believes that the applicant could achieve equivalent public benefit through a legally binding mechanism.

As noted in the prior section, Borough President Adams concurs that a C6-2A (R8A residential equivalent) would be an appropriate modification to the requested zoning. However, to justify a C6-2A MIH district at this site, the developer should commit to providing additional, more deeply affordable units in tandem with his recommendation of a rent roll based on MIH Option 1. In addition, Borough President Adams believes that for this particular development, it would be more in keeping with community objectives to realize more affordable housing as opposed to the extent of commercial development proposed. The 36,022 sq. ft. commercial floor area represented as being on the second floor should be re-envisioned as residential space.

To determine the appropriate amount of excess affordable housing floor area, it is helpful to calculate the site's development potential according to two residential zoning districts, the R8A MIH and the lower density R7A MIH, which stipulates a FAR of 4.6. The current M1-1 zoning permits only 1.0 FAR or approximately 46,750 sq. ft. of non-residential development based on ZR regulations for zoning lots divided by district boundaries with approximately 43,150 sq. ft. resulting from the M1-1 zoned areas and the balance of 3,600 sq. ft. based on the R6B lot area within 25 feet of the M1-1/R6B shared district boundary line. As the R6B section has a residential multiplier of 2 FAR, it provides 7,200 sq. ft. of residential development rights. Taken together with the approximately 43,150 sq. ft. of commercial space in the M1-1 district, the property has a probable maximum floor area of 50,150 sq. ft. (this notion excludes the permitted 2.4 community facility FAR of 2.4, which is highly restrictive of use, as full occupancy by ambulatory medical is less likely). However, under the rerecommended C6-2A MIH district, the project area would achieve approximately 336,600 sq. ft. of total development rights. Should the first floor remain as 33,265 sq. ft. of commercial office and retail use, 303,335 sq. ft. or 6.489FAR of 1045 Atlantic Avenue would be available for residential floor area (including MIH).

Borough President Adams believes that a portion of these rights might be used to advance further public benefit. Based on the information above, the project area would provide 91,000 sq. ft. for permanently affordable residential floor area, i.e. the MIH Option 2 obligation. While Mapping MIH Option 1 as recommended by Borough President Adams would reduce the affordable floor area from 30 to 25 percent, or by 18,880 sq. ft. to 75,834 sq. ft., it would ensure deeper affordability, a high priority in CD 3. With C6-2A zoning, having 36,022 sq. ft. less commercial floor area and MIH Option 1, the developer would realize 227,501 sq. ft. of market rate residential floor area as opposed to 191,479 sq. ft. of market rate residential floor area according to Option 1 based on the extent of commercial floor area retained. In all, there would be 66,213 sq. ft. more market-rate residential floor area than if the site were zoned R7A MIH, with Option 1, and used exclusively for residential development.

Borough President Adams believes that if the 1.89 FAR increment remains the same between R7A and the resulting residential floor area with retention of 33,265 commercial office and/or retail space, the R8A equivalent C6-2A district should yield additional affordable floor area to increase the project's public benefit. He typically seeks to set aside 50 percent of the FAR increment exceeding R7A MIH and 6.489 MIH regulated floor area for permanently affordable housing in lieu of the MIH Option 1 25 percent requirement. These units would be offered at Option 1 AMIs and rents, with 40 percent targeted to households earning 40 percent AMI and made affordable in perpetuity.

The additional 25 percent increment of 1.89 FAR would yield approximately 22,078 sq. ft. of affordable housing floor area on a 60 percent AMI basis beyond the recommended 75,834 sq. ft. pursuant to MIH Option 1. Linking a substantial amount of market-rate floor area beyond R7A MIH to the developer benefit of a zoning district with the higher C6-2A MIH FAR would provide sufficient incentive to seek such zoning district while generating the publicly desired affordability. Such affordable housing floor area — both the standard MIH requirement and additional area noted above — should also provide a family-oriented bedroom mix with more two and three-bedroom units.

Borough President Adams understands that the developer would be forgoing more profitable market rate residential FAR, even when it requires subsidizing permanently affordable housing floor area through the represented commercial space. Should the City Council seek to mandate that commercial floor area include below-market space to promote locally desired uses, Borough President Adams believes that a more modest additional affordable housing floor area increase would be warranted.

To meet the threshold of public benefit necessary for approval of C6-2A MIH zoning, any residential FAR increment above R7A MIH should require provision of affordable housing floor area at a rate in lieu of the standard MIH Option 1 with permanent affordability. The developer should be required to memorialize the additional 1.89 FAR with more than 25 percent permanently affordable floor area and average rent

not exceeding 60 percent AMI. Alternatively, the 60 percent AMI average rent collection could be marginally reduced as the warranted public benefit.

Therefore, Borough President Adams believes that the CPC and/or City Council should condition the recommended C6-2A MIH zoning district on a legal mechanism that commits a combined extra percentage of 22,078 sq. ft. of affordable housing floor area at an average rent of 60 percent AMI, or modest decrease in the 60 percent AMI average rent collection. The City Council should obtain written intent from Atlantic Brooklyn LLC to file a legally binding mechanism that commits an increased percentage of permanently affordable housing floor area or reduction of AMI below 60 percent of AMI.

Bedroom Mix

A recent report has identified that rent-burdened households, which typically represent those applying to the City's affordable housing lotteries, are more likely to require family-sized units. Therefore, Borough President Adams seeks for new developments to achieve an affordable unit mix that would adequately reflect the needs of low- to middle-income rent-burdened families.

Borough President Adams believes that right-sizing the bedroom distribution within the affordable housing floor area is more important than maximizing the number of MIH units. Though the applicant is interested in providing larger apartments, development pursuant to MIH lacks leverage to require affordable units with multiple bedrooms. Borough President Adams believes that it is appropriate to use discretionary land use actions to advance policies that constrain what would be permitted as-of-right. For this project, it is important to mandate that the developer provide affordable housing pursuant to ZR Section 23-96(c)(1)(ii), with at least 50 percent of the units containing two or three bedrooms and at least 75 percent configured with one or more bedrooms.

While Atlantic Brooklyn LLC has not disclosed the exact bedroom mix, it was represented that 1045 Atlantic Avenue would contain a 2 to 1 ratio of one-bedrooms to larger units. It should be noted that the application's representation of 420 apartments with 126 affordable units is not binding. Based on retention of the commercial floor area, and a gross unit size of 781 sq. ft., modifying the zoning district to C6-2A, would yield 342 units, with 86 affordable according to MIH Option 1. Moreover, such unit size would not be consistent with Borough President Adams' policy to ensure family-oriented units for low- to moderate-income households that are not affordable to seniors.

Borough President Adams seeks a binding commitment to secure what has been represented to the community. Therefore, prior to considering the application, the City Council should obtain written commitments from the applicant, Atlantic Brooklyn LLC, to provide a bedroom mix of at least 50 percent two- or three-bedroom affordable housing units, and at least 75 percent one-, two-, or three-bedroom affordable housing units. Moreover, the City Council should seek assurance that the developer would maintain such affordable bedroom mix if the requested zoning is modified to a lower-density district.

Maximizing Affordable Housing Opportunities for Senior Households

In addition to family-sized units, there is a pressing need to build affordable apartments for New York's elderly population, which is expected to grow 40 percent by 2040. DCP's "Zoning for Quality and Affordability" (ZQA) study cited 60 applicants for every apartment in HPD's senior housing developments. LiveOn NY estimates that seniors on those waiting lists face an average wait of seven years. A significant number of Brooklyn's 300,000 seniors have negligible income and are at risk of displacement. The combination of rising housing costs and declining production of age-based affordable housing has resulted in a severe rent burden for many seniors, and tremendous demand for income-restricted units.

One of Borough President Adams' top priorities is to help Brooklyn seniors secure affordable housing and remain in their neighborhoods. While he typically seeks a 50/50 blend of studio, one-, two-, and three-bedrooms in new developments, he believes that studio and one-bedroom units at 30, 40, and 50 percent

AMI might be affordable to senior households. Additionally, Borough President Adams believes that there are appropriate marketing strategies to qualify more seniors for the MIH housing lottery.

The developer has stated intent to incorporate units at 40 percent AMI, though no firm percentage has been committed. If 20 percent of the represented 126 affordable units were targeted to 40 percent AMI, 17 one-bedrooms would be affordable to seniors. At Borough President Adams' preferred MIH Option 1, there would be 105 affordable units, with 70 one-bedrooms (based on the current ratio of smaller to larger apartments), of which 28 would be affordable to seniors. If the City Council adopts the recommended C6-2A district, and maps MIH Option 1 while retaining the commercial floor area, the resulting 86 affordable units would contain approximately 58 one bedrooms, of which 23 would be affordable to seniors. With targeted marketing efforts, it is reasonable to expect that a greater share of smaller units at lower AMIs would be awarded to senior households.

Therefore, prior to considering the application, the City Council should obtain written commitments from Atlantic Brooklyn LLC clarifying how it would implement outreach efforts to seniors, including those who are formerly homeless, to maximize their participation in the affordable housing lottery.

Maximizing Community Participation in the Affordable Housing

The ZR requires inclusionary housing units to be overseen by a non-profit administering agent, unaffiliated with the for-profit developing entity, except when otherwise approved by HPD. Administering non-profits are responsible for ensuring that the affordable housing units comply with the regulatory agreement that governs a project's affordable housing plan. Tasks include verifying a prospective tenant household's qualifying income, approving the rents of affordable units, and submitting an affidavit to HPD attesting that the initial lease-up is consistent with the income requirements.

It is Borough President Adams' policy for housing non-profits to play a role in maximizing community participation in neighborhood affordable housing opportunities. He recognizes that both Restoration and SNA have a successful track record of marketing affordable housing units and promoting lottery readiness through educational initiatives. He seeks to ensure that the developer retains these entities, as represented at his hearing. Moreover, their efforts should involve consultation with CB 3, and/or local elected officials.

Borough President Adams believes that prior to considering the application, the City Council should obtain commitments in writing from the applicant, Atlantic Brooklyn LLC, clarifying how it utilize one or more locally affordable housing non-profits to serve as the administering agent, and/or have such entities play a role in promoting affordable housing lottery readiness.

Setting Aside a Portion of the Floor Area for Commercial Space, Inclusive of Space for Local Arts/Cultural and Non-Profit Organizations and/or Immigrant-Owned Businesses

As represented, 1045 Atlantic Avenue would provide 33,265 sq. ft. of retail, with 26,000 sq. ft. intended for health and wellness space at market-rate rents, and 9,000 sq. ft. dedicated to small neighborhood retail and entrepreneur operations. The additional 36,022 sq. ft. of commercial space would provide 9,000 sq. ft. of uses responsive to community needs, including affordable retail space. The applicant has expressed interested in occupancy by neighborhood childcare, creative office and maker tenants.

As noted in the preceding sections, Borough President Adams believes that for this particular development, it would be more in keeping with community objectives to realize more affordable housing. Therefore, the following consideration would be based on re-envisioning the 36,022 sq. ft. on the second floor as residential, with the remaining 33,265 sq. ft. commercial first floor to be any combination of the envisioned commercial office, retail and childcare uses.

In that regard, it is one of Borough President Adams' policies to assist community-based non-profit organizations with securing affordable space in the borough. These organizations play an important role in the neighborhoods they serve but often struggle to obtain the necessary space to expand and sustain their programs. Many cultural entities have contacted the Office of the Brooklyn Borough President with these concerns. It has been Borough President Adams' policy to review discretionary land use actions for opportunities to promote cultural and non-profit uses.

In June 2016, Borough President Adams released "All the Right Moves: Advancing Dance and the Arts in Brooklyn," a report examining challenges for artists in the borough, with accompanying recommendations. The report highlighted the benefits of arts and dance, which include maintaining physical fitness, promoting creative self-expression, and making significant contributions to the vibrant culture of Brooklyn. Among the difficulties faced by the Brooklyn arts community is an absence of diversity — according to 2000 United States Census data, fewer than half the individuals working in dance are people of color. Additionally, public funding for the arts in New York City has shrunk dramatically in recent years: by 37 percent from the New York State Council of the Arts (NYSCA), by 15 percent from the National Endowment for the Arts (NEA), and by 16 percent from the New York City Department of Cultural Affairs (DCLA).

Data show that cultural programs generate a variety of positive effects, which include combating the borough's high rate of obesity. As of 2016, 61 percent of Brooklyn adults are overweight or obese, according to the New York State Department of Health (NYSDOH). Research by the Citizens' Committee for Children of New York has found that such activities also help children succeed in school. Moreover, demand for cultural programs continues to grow across Brooklyn. A 2015 report by the Center for an Urban Future (CUF) found a 20 percent increase in attendance at events organized by local cultural institutions since 2006.

Borough President Adams believes that the inclusion of arts and cultural entities and non-profit organizations at 1045 Atlantic Avenue would provide enrichment to the community. The development's location is advantageous given the area's considerable residential density, and the high proportion of youth in CD 3. If the proposed rezoning is approved, the 1045 Atlantic Avenue development represented drawings include 33,265 sq. ft. of local retail space on the ground floor and approximately 36,022 sq. ft. of commercial floor area. However, he is aware that such entities cannot afford to compete with commercial office users and retailers who could pay higher rents to lease at this location. Borough President Adams believes that such space would be a community asset if marketed at below retail and office rents to local arts and cultural groups and/or community organizations.

Borough President Adams recognizes that affordable childcare facilities are a vital asset for Brooklyn families with qualifying incomes. Such facilities, often referred to as EarlyLearn NYC Centers, are run by private operators under a contract with the New York City Department of Education (DOE). He supports the developer's interest in securing an asset for the community, though this might require offering space at below-market rents.

Borough President Adams supports development opportunities that broaden economic opportunity by providing employment for varied skill sets. As represented, this project would leverage a portion of the higher commercial FAR permitted by C6 zoning to facilitate new commercial office and retail space as part of the represented development, including vital innovation and maker businesses. Such a proposal aligns with the City's industrial and workforce goals, which include the creation of quality jobs for those without college degrees. Borough President Adams supports the preservation and expansion of commercial floor area to sustain and grow the City's innovation and maker sector.

Borough President Adams supports the creation of new manufacturing space through commercial office development in Brooklyn neighborhoods with thriving innovation and maker economies. He believes that such represented commercial space should reflect any combination of Use Group 11A

semi-industrial manufacturing establishments, as well as from UGs 9 and 10, studios for art, dancing, motion picture production, music, photography, radio/television, or theatrical, facilities, and trade schools for adults. It should also include service use categories from offices for contracting establishments, and from UG 9A such as blueprinting or photostating establishments, dental or medical laboratories, musical instrument repair shops, studios, and trade schools for adults, which he deems consistent with innovation and maker uses. Borough President Adams believes that dedicated commercial space at 1045 Atlantic Avenue for such uses would be beneficial if it were also marketed at below retail and office rents. However, such a commitment of floor area would have to be effectuated through a legally binding mechanism.

Borough President Adams is also concerned about immigrant-owned businesses, which are a vital part of their communities but easily displaced by rising commercial rents as well as anticipated sites yet to be redevelopment such as along Fulton Street. For immigrant households, operating a retail store is an important and viable way to earn a living, as it poses relatively low barriers to entry. According to a recent report by the Citizens Planning and Housing Council (CPHC), immigrants own more than half of the city's small businesses, but 77 percent are burdened by commercial rents. Financial hardships threaten the livelihood of such enterprises, which are often family-owned operations with limited capital and resources. Borough President Adams recognizes the importance of supporting immigrant-owned businesses and seeks to secure opportunities for immigrant entrepreneurship through the creation of affordable commercial space.

Borough President Adams would be supportive of a binding commitment that memorializes approximately one quarter of such floor area at below market rents to achieve any combination of the above referenced community facility such non-profit and/or arts and cultural organizations, childcare, commercial maker and/or studio space, as well as local retail space targeting immigrant-owned businesses. Furthermore, to the extent that the City Council seeks to secure below-market rents to provide for such specific uses, the City Council should obtain written commitments from the applicant, Atlantic Brooklyn LLC in the form of an executed legally enforceable mechanism, such as a deed restriction or contract with a non-profit business service provider that sets forth active solicitation of such entities, based on reasonable lease terms, in consultation with CB 3 and local elected officials.

Advancing Resilient and Sustainable Energy and Stormwater Management Policies

It is Borough President Adams' policy to advocate for environmentally sustainable development that integrates blue/green/white roofs, solar panels, and/or wind turbines, as well as passive house construction. Such measures tend to increase energy efficiency and reduce a building's carbon footprint.

In the fall of 2019, the City Council passed Local Laws 92 and 94, which require newly constructed buildings as well as those undergoing renovation (with some exceptions) to incorporate a green roof and/or solar installation. The laws further stipulate 100 percent roof coverage for such systems and expand the City's highly reflective (white) roof mandate, which Borough President Adams believes developers should exceed by integrating blue roofs with green roof systems. Regarding solar panels, there are now options beyond traditional roof installation. Multiple companies are manufacturing solar cladding from tempered glass that resembles traditional building materials, with energy output approximating that of mass-market photovoltaic systems. Micro wind turbines can generate sustainable energy for taller buildings and developments near the waterfront. Finally, passive house construction achieves energy efficiency while promoting local construction and procurement.

Borough President Adams' letter to President Joseph R. Biden Jr., dated January 21, 2021, outlined policies to rebuild America as a more equitable and just society, including initiatives consistent with the Green New Deal. Specifically, Borough President Adams advocated investments in renewable energy and battery storage to move beyond reliance on natural gas and dirty "peaker plants" disproportionately sited in communities of color. He believes that grid-connected rooftop batteries should be a standard

consideration for commercial buildings. Between existing flat roofs upgrades and new developments, there should be sufficient demand to manufacture such units locally and create industrial jobs.

Borough President Adams believes it is appropriate for Atlantic Brooklyn LLC to engage the Mayor's Office of Sustainability, the New York State Energy Research and Development Authority (NYSERDA), and/or the New York Power Authority (NYPA) regarding government grants and programs that might offset costs associated with enhancing the resiliency and sustainability of this development. One such program, the City's Green Roof Tax Abatement (GRTA) provides a reduction of City property taxes by \$4.50 per sq. ft. of green roof space, up to \$100,000. The DEP Office of Green Infrastructure advises property owners and their design professionals through the GRTA application process. Borough President Adams encourages the applicant to contact his office for further coordination on this matter.

As part of his resiliency policy, Borough President Adams seeks to advance stormwater management best practices including permeable pavers and/or rain gardens that promote DEP's green infrastructure agenda. He believes that sidewalks with nominal landscaping and/or adjacent roadway surfaces could be transformed through the incorporation of rain gardens, which provide tangible environmental benefits through rainwater collection, improved air quality, and streetscape beautification. Tree plantings can be consolidated with rain gardens as part of a comprehensive green infrastructure strategy. Where it is not advisable to remove street trees, it's possible to integrate stormwater retention measures into existing tree pits, with additional plantings to increase infiltration and make the site more pleasant for its users. In addition, blue/green roofs, permeable pavers, and rain gardens (including street tree pit enhancements) would help divert stormwater from the Red Hook Wastewater Treatment Plant.

The required Builders Pavement Plan (BPP) for the proposed development provides an opportunity to install rain gardens along its extensive frontage on Atlantic Avenue. The ZR requirement to plant street trees provides shade on excessively hot days, helps combat the urban heat island effect, and provides other aesthetic, air quality, and enhanced stormwater retention benefits. It should be noted that a rain garden would require a maintenance commitment and attention from the landlord. Maintenance includes cleaning out debris that can clog the inlet/outlet and prevent water collection, regular inspection to prevent soil erosion, watering during dry and hot periods, and weeding to ensure proper water absorption.

Borough President Adams believes that Atlantic Brooklyn LLC should consult with DEP, the New York City Department of Transportation (DOT), and the New York City Department of Parks and Recreation (NYC Parks) about the integration of rain gardens with street trees as part of the BPP. If there is interest in implementing an enhancement, advance consultation should be initiated with CB 3 and local elected officials. Therefore, prior to considering the application, the City Council should obtain written commitments from Atlantic Brooklyn LLC to integrate resiliency and sustainability measures at 1045 Atlantic Avenue.

Promoting Access to Car-Share Vehicles

Borough President Adams supports the establishment of Transit Zones in the ZR to enable affordable housing development without parking requirements for affordable housing floor area. He also advocates alternatives to car ownership such as bicycle and car share services. A rental car can provide mobility in certain cases, though it is not as flexible as car ownership and can be expensive for longer trips. Car rental requires, at minimum, a full day reservation as well as time and effort to access such facilities. However, there are times when affordable access to automobiles can provide a quality-of-life enhancement, even for wealthier households. Furthermore, research suggests that car-share achieves environmental benefits by reducing automobile use among car owners. The recommended C6-2A district mandate the provision of accessory parking for 40 percent of the market-rate units in a quality housing development, which would require the developer to build 102 parking spaces.

Borough President Adams believes that facilitating car-share at this location would benefit building occupants as well as residents of the adjacent communities. According to ZR Section 36-46(a)(1), a car-sharing entity is permitted to occupy up to five parking spaces, though no more than 20 percent of all spaces in group parking facilities. Borough President Adams believes that a limited number of the represented 119 parking spaces at 1045 Atlantic Avenue should be set aside for car-share vehicles through dialogue with car-sharing companies. Per ZR Section 36-523, the developer would have to provide visible signage, and state the total number of spaces, as well as the maximum number of car-sharing vehicles. Therefore, prior to considering this application, the City Council should obtain written commitments from Atlantic Brooklyn LLC to engage car-sharing companies with the goal of leasing multiple spaces within the garage.

Jobs

Borough President Adams is concerned that too many Brooklyn residents are currently unemployed or underemployed. According to the Furman Center's "State of New York City's Housing and Neighborhoods in 2017," double-digit unemployment remains a pervasive reality across Brooklyn, with more than half of the borough's community districts reporting poverty rates of 20 percent or higher. The ongoing COVID-19 pandemic has only exacerbated widespread job insecurity. One way to address this economic crisis is by prioritizing local hiring and promoting Brooklyn-based businesses, including those that qualify as LBE and MWBE. This site provides opportunities for the developer to retain a Brooklyn-based contractor and subcontractor, especially those designated LBE consistent with Section 6-108.1 of the City's Administrative Code, and MWBEs that meet or exceed standards per Local Law 1 (no less than 20 percent participation).

Borough President Adams believes that prior to considering the application, the City Council should obtain written commitments from Atlantic Avenue LLC, to retain Brooklyn-based contractors and subcontractors, especially those designated LBE consistent with Section 6-108.1 of the City's Administrative Code and MWBE to meet or exceed standards per Local Law 1 (no less than 20 percent participation), and coordinate oversight of such participation by an appropriate monitoring agency.

Community Preference: Inclusion of Homeless Shelter Student Population by School Zone

New York City's community preference policy requires that 50 percent of affordable units filled through affordable housing lotteries be reserved for residents in the host community. There are additional pathways for priority selection through the lottery such as United States Armed Forces veteran status, certain disabilities, and other categories. Given the significant increase in the number of homeless families with school-aged children entering the public shelter system, Borough President Adams believes it is appropriate for HPD to extend local lottery preference to the school zone attended by children of households residing at immediate and neighboring City-funded or -operated homeless shelters.

According to an annual report by Advocates for Children of New York, 31,158 Brooklyn students — nearly one in 10 enrolled — experienced homelessness during the 2018-2019 school year, defined as either living in shelters or doubling up with friends and family. The number of such students in charter and public schools has increased every school year since 2014-2015. Homelessness has profound impacts on school performance, as such students are more likely to have longer commutes or to transfer schools in the middle of the year, leading to chronic absences, lower graduation rates, and higher dropout rates.

Many parents and students find it important to maintain school continuity despite the circumstances faced by households dependent on the City's shelter system. Borough President Adams believes that the City should take responsible action to eliminate or reduce such hardships, by enabling economically burdened households with children attending public schools to qualify for community preference in the school's community district. According to the Institute for Children, Poverty & Homelessness (ICPH), there are multiple public schools in proximity to the proposed development in Community School District 13 (CSD 13), where the proportion of homeless students is 12 to 27 percent.

Borough President Adams believes that HPD should modify its affordable housing lottery community preference standards to include the school zone attended by a child of a household residing at a City-funded or -operated homeless shelter.

Accommodating Rent-Burdened Households in Lieu of Strict Area Median Income Standards

Data show that more than 80 percent of New York City households earning 50 percent of AMI or less are rent-burdened. The crisis is even worse among those making 30 percent of AMI or less, currently \$32,220 for a family of three. Over 50 percent of this population pays more than half of their income toward rent. Finally, nearly one-third of New York City households earn less than \$35,000 and more than one-fifth — over two million people — earn less than \$25,000 annually. As the City's housing crisis grows worse, the burden falls most heavily on low-income households, exacerbating racial disparities. According to the CHPC, one in four households of color is severely rent-burdened, which is 11 percent more than Caucasian households.

A strict rent-to-income requirement of no more than 30 percent prevents many rent-burdened households, who are often paying the same or greater rent for an apartment from applying for new affordable housing. As noted in his East New York Community Plan ULURP recommendation, Borough President Adams believes it's time to stop excluding families paying too much for substandard accommodations from affordable housing lotteries. He seeks to qualify rent-burdened households for the lottery process, which would maximize their opportunities to secure affordable housing and expand the number of households eligible for affordable housing lotteries.

One way to address this disparity is by amending the ZR AMI qualifications to include households that would maintain or reduce their rent burden. For MIH lotteries, DCP needs to modify the ZR to allow exceptions to the 30 percent of income limit so that rent-burdened paying equal or greater rent than that of the lottery unit would be eligible to live in new, and quality affordable housing. Borough President Adams believes that the CPC and/or the City Council call for modification of the ZR MIH section pertaining to special bulk regulations, to allow rent-burdened households to qualify for MIH affordable housing units.

Recommendation

Be it resolved that the Brooklyn borough president, pursuant to Section 197-c of the New York City Charter, recommends that the City Planning Commission and City Council approve this application with the following conditions:

1. That in lieu of the proposed C6-3A, the rezoning be modified to C6-2A
2. That prior to considering the application, the City Council obtain written commitments from the applicant, Atlantic Brooklyn LLC, clarifying how it would:
 - a. Provide permanently affordable housing according to Mandatory Inclusionary Housing (MIH) Option 1
 - b. For the additional FAR increment in excess of an R7A MIH district, provide affordable housing floor area at a rate that commits a combined extra percentage of 22,078 sq. ft. of affordable housing floor area, at an average 60 percent AMI, or modest decrease in the 60 percent AMI average rent collection, except as reduced to accommodate affordable commercial floor area
 - c. Provide an affordable housing mix with at least 50 percent two- or three-bedroom units, and at least 75 percent one-bedroom or larger units, but for studios targeted to households at 40 percent AMI

- d. Implement outreach efforts to seniors earning up to 40 percent AMI for single- and dual-person households, including those who have experienced homelessness
- e. Utilize locally-based affordable housing non-profit(s) to serve as administering agents and have one or more such entities play a role in promoting affordable housing lottery readiness
- f. Restrict one-quarter of the commercial office and retail space for occupancy restricted to any combination of arts/cultural entities, childcare, innovation and maker uses, non-profit organizations, and/or immigrant-owned businesses at below-market lease terms, and memorialize intent to recruit such entities, based on reasonable lease terms in consultation with Brooklyn Community Board 3 (CB 3) and local elected officials, through a legally enforceable mechanism, such as a deed restriction or contract with a non-profit business service provider
- g. Incorporate resiliency and sustainability measures, such as blue roofs, passive house design, solar façades, and/or wind turbines
- h. Coordinate with the New York City Department of Environmental Protection (DEP), New York City Department of Transportation (DOT), and the New York City Department of Parks and Recreation (NYC Parks) to install DEP rain gardens as part of a Builders Pavement Plan (BBP) at 1045 Atlantic Avenue in consultation with Brooklyn Community Board 3 (CB 3) and local elected officials
- i. Engage with car-sharing companies, in consultation with CB 3 and local officials, to lease multiple spaces within the garage
- j. Retain Brooklyn-based contractors and subcontractors, especially those that are designated local business enterprises (LBEs) consistent with Section 6-108.1 of the City's Administrative Code, and minority- and women-owned business enterprises (MWBEs) as a means to meet or exceed standards per Local Law 1 (no less than 20 percent participation), as well as coordinate the oversight of such participation by an appropriate monitoring agency

Be it further resolved:

1. That the New York City Department of Housing Preservation and Development (HPD) modify its affordable housing lottery community preference standards to include the school zone, thus capturing the population of public schoolchildren residing at City-funded or -operated shelters
2. That the CPC and/or the City Council call for That the CPC and/or the City Council call for modification of the ZR MIH section with a requirement that permits households with rent-burdened status to qualify for MIH affordable housing lotteries (allow for exceptions to the 30 percent of income threshold for households paying the same or higher rent than what the housing lottery offers).